

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 ) MB Docket No. 05-  
311  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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**COMMENTS OF Princeton Community Television (TV30), Princeton, NJ**

These Comments are filed by Princeton Community Television (TV30) in support of the comments filed by the Alliance for Community Media ("Alliance"), the Alliance for Communications Democracy, the National Association of Telecommunications Officers and Advisors ("NATOA"), and other national local government organizations. Like the Alliance, Princeton Community Television believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

**Cable Franchising in Our Community**

**Community Information**

Princeton Borough and Township, in the State of New Jersey, are municipalities with a combined population of 30,865 (according to the 2000 census). Our franchised cable provider is Patriot Media. Our community has negotiated cable franchises since 1981.

**Our Current Franchise**

Our current franchise began on October 13, 2002, and expires on October 13, 2014.

Our franchise requires the cable operator to pay a franchise fee to the Borough and Township of Princeton in the amount of 2% of the cable operator's

gross revenues on its basic service. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and/or governmental ("PEG") access channels on the cable system: We currently have one channel devoted to public access (Princeton Community Television); three channels devoted to educational access (Princeton Regional Schools, Mercer County Community College, and Princeton University); and two channels devoted to government access (Princeton Borough and Princeton Township).

Our franchise requires that our PEG channels be supported in the following ways by the cable operator: In addition to the franchise fee, the municipalities receive a Subscriber Fee amounting to 17 cents per subscriber per month for the production of public, educational and governmental access programming. The cable operator is also providing \$43,116.51 in 2006, with said sum to be increased annually at the rate of the Consumer Price Index, for the production of local origination programming by Princeton Community Television. The municipalities receive up to \$5,000 per year in materials and services to support the extension of Princeton's Institutional Network, which provides Internet service to the schools, municipal offices, library, and other community bodies. The cable operator also co-produces a number of special events with Princeton Community Television each year and provides technical services and other assistance to Princeton's PEG channels.

### **Public Access Services**

Princeton Community Television has provided public access services in our community for ten years now. It is currently broadcasting several hundred hours of locally originated programming to its cable subscribers a year. More than 70 community members are using its equipment and facilities. Below are some highlights of its services to the community.

- Video bulletin board with text and graphics for community announcements.
- Coverage of community meetings, both governmental and civic.
- Community-produced television programming for special interests (such as seniors, ethnic and cultural groups, youth, advocacy groups, etc.)
- Staff-produced television programming on topics of interest to the local community.

- Opportunities for non-profit organizations to air locally-produced programming.
- Phone-in, interactive programs allowing local experts to answer viewer questions.
- Free viewing of cable service at selected public sites.
- Local news coverage (not on local broadcast stations).
- Video production courses.
- Video production facilities including studio.
- Satellite program reception and redistribution.
- Local political coverage, candidate platform statements and candidate debates during campaign season.
- Distribution of community college and university educational programming.

### **Competitive Cable Systems**

Our community

- has never been approached by a competitive provider to provide service.
- would welcome competitive providers, if any were to approach us..
- has never denied any provider the opportunity to serve in our community.
- does have mechanisms in place to offer the same or a comparable franchise to a competitor upon request.

### **Conclusions**

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Princeton Borough and Township. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both

see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local nonprofit organizations.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of primarily local interest.

Local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

Princeton Community Television therefore respectfully requests that the Commission take this opportunity to reaffirm the primacy of local government authority over franchising and should make clear that imposition on a new entrant of PEG Access, consumer protections and other public interest services requirements that are equivalent to those of the incumbent does not constitute an unreasonable refusal to award an additional competitive franchise within the meaning of federal law..

The PEG Access model should be strengthened and applied to new technologies, assuring that localism and community participation are not displaced by commercial interests.

The nation would be well served by a policy of "Community Reinvestment" through PEG Access that includes funds and bandwidth and/or spectrum that will be used for public purposes by:

1. Allowing the local community which owns the public rights-of-way to franchise and determine the best use of the community's property;
2. Dedicating ten percent of the public airwaves and capacity on communication facilities that occupy public rights-of-way to PEG use for free speech, diverse

points of view, local programs, community based education and political speech;

3. Mandating funding of five percent of gross revenues above and beyond any franchise fee to local authorities from all infrastructure and service providers and spectrum licensees to support PEG equipment, facilities, training and services; and,
4. Making PEG Access universally available to any consumer of advanced telecommunications services capable of full-motion video.

Respectfully submitted,

Princeton Community Television  
Princeton, NJ

By: Charles L. Creesy  
64 Dorann Avenue  
Princeton, NJ 08540

cc: Alliance for Community Media, [Getup@alliancecm.org](mailto:Getup@alliancecm.org)